

Message Text

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ORIGIN PM-04

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FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

INFO AMEMBASSY LONDON

AMEMBASSY MANILA

USCINCEUR

CINCPAC

C O N F I D E N T I A L STATE 045430

E.O. 11652: GDS

TAGS: MASS, YO, RP

SUBJECT: PROPOSED SALE OF RECOILLESS RIFLES

REF: BELGRADE 0416

1. WHILE SECTION 505(E) OF FOREIGN ASSISTANCE ACT (FAA) OF 1961, AS AMENDED, CONTAINS SAME LANGUAGE ON THIRD-PARTY TRANSFERS OF US DEFENSE ARTICLES AS THAT CONTAINED IN SECTION 3(A) OF FOREIGN MILITARY SALES ACT (FMSA), AS AMENDED, WITH WHICH EMBASSY IS ALREADY FAMILIAR THROUGH GOY TRANSFER OF F-86'S TO HONDURAS, WE MUST MEET ADDITIONAL
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STATUTORY REQUIREMENT FOR MAP-ORIGIN ARTICLES. SECTION

505(A)(4) OF FAA STIPULATES THAT EACH RECIPIENT OF MAP ARTICLES MUST AGREE THAT, "UNLESS THE PRESIDENT CONSENTS TO OTHER DISPOSITION, IT WILL RETURN TO THE UNITED STATES GOVERNMENT FOR SUCH USE OR DISPOSITION AS THE PRESIDENT CONSIDERS IN THE BEST INTERESTS OF THE UNITED STATES, SUCH ARTICLES WHICH ARE NO LONGER NEEDED FOR THE PURPOSES FOR WHICH FURNISHED".

2. THIS REQUIREMENT IS REFLECTED IN THE AGREEMENT OF AUGUST 25, 1959 BETWEEN THE USG AND GOY REGARDING TERMINATION OF MILITARY ASSISTANCE FURNISHED ON GRANT BASIS. IN PARA 2(D) OF THAT AGREEMENT, THE GOY COMMITTED ITSELF "TO NOTIFY THE AMERICAN EMBASSY IN BELGRADE OF SUCH EQUIPMENT AND MATERIALS, INCLUDING SALVAGE OR SCRAP, ACQUIRED FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS ARE NO LONGER REQUIRED FOR THE PURPOSES SET FORTH IN SUBPARAGRAPH (A) OF THIS PARAGRAPH. UPON SUCH NOTIFICATION, THE GOVERNMENT OF THE UNITED STATES OF AMERICA MAY EITHER ACCEPT TITLE TO SUCH EQUIPMENT AND MATERIALS, IN WHICH CASE SUCH EQUIPMENT AND MATERIALS SHALL BE TRANSPORTED FREE TO SUCH PLACE AND AT SUCH TIME AS MAY BE MUTUALLY AGREED UPON FOR THEIR DELIVERY TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA, OR MAY PERMIT THE GOVERNMENT OF THE FEDERAL PEOPLES REPUBLIC OF YUGOSLAVIA TO RETAIN TITLE TO SUCH EQUIPMENT AND MATERIALS FOR SUCH DISPOSITION AS MAY BE MUTUALLY AGREED UPON;". AS BOTH THIS AGREEMENT AND SECTION 505(A)(4) INDICATE, MAP RECIPIENTS COULD BE AUTHORIZED TO DISPOSE OF MAP EXCESS ITEMS DIRECTLY, ONCE OTHER PERTINENT STATUTORY REQUIREMENTS SUCH AS THOSE CONTAINED IN SECTION 505(E) ARE MET. IN PRACTICE, HOWEVER, IT IS FIRM USG POLICY TO REGAIN TITLE TO, AND CONTROL DISPOSITION OF, MAP EXCESS TO MAXIMUM EXTENT PRACTICABLE, PARTICULARLY IN THIRD-PARTY TRANSFER CASES INVOLVING SIGNIFICANT DEFENSE ARTICLES IN BETTER-THAN-SCRAP CONDITION. USG WOULD OBVIOUSLY WISH TO DO THIS IN THE CASE OF THE 57MM RECOILLESS RIFLES AND AMMUNITION WHICH GOP APPARENTLY WISHES TO OBTAIN FROM GOY.

3. PROCEDURALLY, MAP GRANT ARTICLES FOUND TO BE EXCESS BY A PAST OR PRESENT MAP RECIPIENT WHO WISHES TO DISPOSE OF

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THEM MUST BE REPORTED TO THE APPROPRIATE US MILITARY DEPARTMENT FOR SCREENING TO MEET EXISTING WORLDWIDE MAP REQUIREMENTS OR OTHER DISPOSITION UNDER THE MAJOR ITEMS EXCESS (MIMEX) SYSTEM. SUCH DISPOSITION COULD INCLUDE AN OFFER BY THE USG TO SELL (UNDER FMS) OR GRANT (UNDER MAP REDISTRIBUTION PROCEDURES) TO ELIGIBLE THIRD-PARTIES. SHOULD THERE BE NO REQUIREMENTS BY ANY SOURCE FOR THE ARTICLES, THEY WOULD BE REPORTED TO THE APPROPRIATE DEFENSE

PROPERTY DISPOSAL REGION.

4. AS THE ABOVE SUGGESTS, THERE ARE IN PRACTICE FEW THIRD-PARTY TRANSFERS OF MAP-ORIGIN DEFENSE ARTICLES, SINCE USG ACTUALLY PROVIDES SUCH EQUIPMENT DIRECTLY TO PROPOSED RECIPIENT. THE ONLY THIRD-PARTY TRANSFERS OF MAP ITEMS OCCUR IN THE CASE OF SCRAP OR IF MAP RECIPIENT HAS IN THE PAST PURCHASED FROM USG THE MAP EXCESS RIGHTS (WHICH GOY HAS NOT DONE). IF GOY WISHES TO DISPOSE OF RECOILLESS RIFLES AND AMMUNITION LISTED REFTEL, USDAO SHOULD REPORT THOSE ITEMS TO US ARMY UNDER PROCEDURES DISCUSSED PARA 3 ABOVE AND DESCRIBED IN DETAIL IN PART II, CHAPTER K, OF DOD'S MASM.

5. FYI PETER MEISTER'S WASHINGTON REPRESENTATIVES CONTACTED DEPARTMENT AND WERE INFORMED OF ABOVE REQUIREMENTS AND PROCEDURES. SUBSEQUENTLY, MEISTER CALLED BOTH DEPARTMENT AND DOD AND OBJECTED STRONGLY TO SUCH PROCEDURES AND FACT THAT HE WOULD NOT THEREFORE BE INVOLVED IN PROPOSED TRANSACTION WITH GOP. IN VIEW OF HIS ATTITUDE, WE SUGGEST THAT EMBASSY CAREFULLY EXPLAIN TO APPROPRIATE YUGOSLAV OFFICIALS USG REQUIREMENTS ON DISPOSAL OF MAP-EXCESS EQUIPMENT TO ENSURE THAT NO INADVERTENT TRANSFER TAKE PLACE WITHOUT PROPER PROCESSING. KISSINGER

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